

## **REMARKS**

The present Amendment amends claims 7-9, 16-18, 21-24, 26 and 28-31, leaves claims 25 and 27 unchanged and adds new claims 32 and 33.

Therefore, the present application has pending claims 7-9, 16-18 and 21-33.

Claim 26 stands objected to due to informalities noted by the Examiner on paragraph 2 of the Office Action. Amendments were made to claim 26 to correct the informalities noted by the Examiner. Therefore, this objection is overcome and should be withdrawn.

Claims 7-19, 16-18, 21-27, 30 and 31 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-14 of the prior Patent No. 6,404,781. Applicants do not agree with this rejection. However, in order to expedite prosecution of the present application filed on even date herewith is a Terminal Disclaimer obviating this rejection. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

It should be noted that the filing of the Terminal Disclaimer was not intended nor should it be considered as an agreement on Applicants part that the features recited of the present invention as recited in claims 7-9, 16-18, 21-27, 30 and 31 are taught or suggested by claims 1-14 of the prior patent. The filing of the Terminal Disclaimer was simply intended to expedite prosecution of the present application.

Claims 7, 9, 16, 17 and 21-31 stand rejected under 35 USC §102(b) as being unpatentable over Yoshinaka (U.S. Patent No. 5,384,787). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention as now more clearly recited in claims 7, 9,

16, 17 and 21-31 are not taught or suggested by Yoshinaka whether taken individually or in combination with any of the other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Amendments were made to the claims in order to more clearly describe features of the present invention not taught or suggested by any of the references of record particularly Yoshinaka. Particularly, amendments were made to the claims to more clearly recite that the present invention is directed to a data transmission and data reception method and apparatus for transmitting and receiving information data containing additional information data. The operation of the present invention is conducted at the transmitter side and includes preparing data frames of the information data into which the additional information data is to be embedded, altering at least a part of each data frame in accordance with predetermined patterns corresponding to the additional information data to be embedded into the data frame repetitively and separately as illustrated, for example, in Fig. 4 of the present application and transmitting the information data embedded with the repetitive and separate additional information data. At the receiver side the information data, embedded with the additional information data, is received.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record, particularly Yoshinaka, whether taken individually or in combination with each other.

In the Office Action the Examiner alleges that Yoshinaka discloses a system described as a picture data recording and reproducing apparatus

including, for example, as illustrated in Fig. 1 thereof, a coding processing unit 3 which is supplied with picture data digitized by an A/D converter 2 and a recording data processing unit 4 supplied with coded output by the coding processing unit 3 to deliver recording data obtained by the recording data processing unit 4 to a magnetic head 5 so as to record it onto a magnetic tape 6. Yoshinaka teaches that the recording data processing unit 4 includes an ID adding circuit 41 which is supplied with picture data coded by the coding processing unit 3 and an identification code (ID) indicating its quantization step width being included in the ID signal added to the picture data. Attention is directed to col. 6, lines 28-51 of Yoshinaka.

Although, as indicated above, there is a teaching in Yoshinaka that an ID adding circuit 31 adds an ID signal to the picture data, this ID signal as taught by Yoshinaka is merely concerned with indicating the quantization step width. There is no teaching or suggestion at any point in Yoshinaka that the ID signal being added by the ID adding circuit 41 is identification information which is embedded or concealed in information data so as to be used for identifying, for example, the validity of the data or to supply hidden control information to a receiver. Such is clearly is not taught or suggested by Yoshinaka.

More particularly, there is no teaching or suggestion in Yoshinaka as to how and at what point the ID signal is added to the picture data in order for Yoshinaka to at least be related to the features of the present invention as now more clearly recited in the claims.

According to the present invention as now more clearly recited in the claims the additional information is not added but is embedded repetitively

and separately within the pixel blocks of picture data such as, for example, illustrated in Fig. 4 of the present application. As per Fig. 4 it is clear that the additional information is embedded within the pixel blocks of the picture data and such additional information is dispersed separately within the picture data.

The above described features of the present invention allow for the additional information to be protected from deterioration through transmission. In order to understand these features of the present invention attention is directed to a description of the problem to which the present invention is intended to solve on page 2, lines 6-19 of the present application. The apparatus taught by Yoshinaka is not intended to solve the problem to which the present claimed invention is directed.

Thus, Yoshinaka fails to teach or suggest preparing data frames of the information data into which the additional information data is to be embedded and altering at least a part of each data frame in accordance with predetermined patterns corresponding to the additional information data to be embedded into the data frame repetitively and separately as recited in the claims.

Further, Yoshinaka fails to teach or suggest transmitting the information data embedded with the repetitive and separate additional information data as recited in the claims.

Therefore, Yoshinaka fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §102(b) rejection of claims 7, 9, 16, 17 and 21-31 is respectfully requested.

Applicants note that the Examiner did not reject claims 8 and 18 based upon prior art, particularly Yoshinaka. Thus, it is clear that the Examiner considers the subject matter recited in claims 8 and 18 patentable over the prior art of record particularly Yoshinaka. Therefore, claims 8 and 18 were amended to be in independent form including all the limitations of the base claim and any intervening claims to permit early allowance thereof.

As indicated above, the present Amendment adds new claims 32 and 33. New claims 32 and 33 are dependent claims, depending from claims 8 and 23 respectively, and as such recite many of the same features shown above not to be taught or suggested by any of the references of record whether taken individually or in combination with each other. Therefore, new claims 32 and 33 are in condition for allowance and early allowance thereof is respectfully requested.


The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 7, 9, 16, 17 and 21-31.

In view of the foregoing amendments and remarks, applicants submit that claims 7-9, 16-18 and 21-33 are in condition for allowance. Accordingly, early allowance of claims 7-9, 16-18 and 21-33 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (520.36525CX1).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



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Carl I. Brundidge  
Registration No. 29,621

CIB/jdc  
(703) 684-1120